



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Glen Davis
FG International, LLC
33717 Georgia Highway 23
Collins, Georgia 30077
fgi@fginternational.net
glenn@fginternational.net

Re: FG International, LLC
FIFRA Notice of Warning
Case File No. FIFRA-04-2022-0801

Dear Mr. Davis:

The U.S. Environmental Protection Agency has obtained evidence indicating that FG International, LLC (FG International) appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On May 11, 2021, an authorized representative of the EPA conducted an inspection at FG International located at 33717 Georgia Highway 23 Collins, Georgia 30077 to determine compliance with FIFRA and the regulations promulgated thereunder.

FG International (EPA Est. No. 96043-GA-1) is a specialty chemical company that manufactures and distributes industrial coatings. FG International has reported production of pesticides via the submittal of EPA Form 3540-16 Pesticide Report for Pesticide-Producing and Device-Producing Establishments in the last two years. However, when sales and distribution records were requested during the inspection on May 11, 2021, FG International claimed none were available.

Pursuant to Section 12(a)(2)(B) of FIFRA, 7 U.S.C § 136j(a)(2)(B)(i), it shall be unlawful for any person to refuse to prepare, maintain, or submit any records required by or under Section 5, 7, 8, 11, or 19. According to 40 CFR 169.2(a), all producers of pesticides, devices, or active ingredients used in producing pesticides subject to this Act, shall maintain the following records: records showing the product name, EPA Registration Number of all pesticides produced and records showing the following information regarding the shipment of all pesticides, devices used in producing pesticides: (1) Brand name of pesticide or device, or the common or chemical name of the pesticide active ingredient among other information. Such records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for purposes of this section. These records shall be retained for a period of two (2) years.

In response to the potential violation of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to FG International pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of the company submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the filing of a complaint and the assessment of a civil penalty. Your statement should be submitted to Ms. Deborah Ortiz at ortiz.deborah@epa.gov. In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Ms. Deborah Ortiz of my staff at (404) 562-8230 or by email at ortiz.deborah@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Ms. Jennifer Wren, GDA, (Jennifer.Wren@agr.georgia.gov)